

# TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



**Project Name:** Westview Meadows

**Case Number:** PLD2003-00023; SEP2003-00040; EVR2003-00077 and  
ARC2003-00014

**Parcel Number(s):** Tax lot 5/2 (097997-000) located in the Northwest ¼ of Section  
3, Township 2 North, Range 1 East of Willamette Meridian

**Request:** The applicant is requesting to subdivide an approximate 1.99-  
acre parcel into 10 single-family residential lots in the R1-7.5  
zoning district. The applicant is also requesting to use the Tier  
II Infill Ordinance.

**Applicant:** Hagedorn, Inc.  
Attn: Greg Westrand  
1924 Broadway  
Vancouver, WA 98663  
(360) 696-4428; (360) 694-8934 FAX

**Property Owner:** Westview Meadows LLC  
9608 NE Hazel Dell Avenue  
Vancouver, WA 98665

**Location:** On the west side of NW 2<sup>nd</sup> Avenue just south of NW 97<sup>th</sup> Circle

**Area:** 1.99-acres

## **RECOMMENDATION** **Approve subject to Conditions**

**Team Leader's Initials: \_\_\_\_\_ Date Issued: October 29, 2003**

**Public Hearing Date: November 13, 2003**

**County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone Ext.</u></b>	<b><u>E-mail Address</u></b>
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<b>Engineering Supervisor:</b> (Trans. Concurrency):	Steve Shulte P. E.	4017	<a href="mailto:steve.schulte@clark.wa.gov">steve.schulte@clark.wa.gov</a>

**Comp Plan Designation:** UL (Urban Low)

**Zoning:** R1-7.5 (Single-Family Residential)

**Applicable Laws:**

Clark County Code Sections: 12.05A (Transportation); 12.41 (Concurrency); 13.29 (Stormwater and Erosion Control Ordinance); 15.12 (Fire); 17.105 (Lot Determination); 17.301 (Subdivision); 18.65 (Impact Fees); 18.307 (Single-Family Residential); 18.406 (Provisions Applying to Special Uses); 18.600 (Procedures); 20.06 (SEPA) and RCW 58.17 (State Platting Laws).

**Neighborhood Association/Contact:**

West Hazel Dell Neighborhood Association  
John Kendall, President  
425 NW 74<sup>th</sup> Street  
Vancouver, WA 98665  
(360) 696-2674  
E-mail: [WHDNATalk@attbi.com](mailto:WHDNATalk@attbi.com)

**Time Limits:**

The application was determined to be fully complete on June 27, 2003 (see Exhibit 11). The applicant was asked to submit additional information and thereby extended the deadline by 62 days. Therefore, the County Code requirement for issuing a decision within 92 days lapses on November 28, 2003. The State requirement for issuing a decision within 120 calendar days lapses on December 26, 2003.

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the

same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on February 13, 2003. The pre-application was determined not contingently vested.

The fully complete application was submitted on June 13, 2003 and determined to be fully complete on June 27, 2003. Given these facts the application is vested on June 13, 2003.

There are no disputes regarding vesting.

### **Public Notice:**

Notice of application and public hearing was mailed to the applicant, West Hazel Dell Neighborhood Association and property owners within 300 feet of the site on September 16, 2003. One sign was posted on the subject property and two within the vicinity on October 29, 2003. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on October 29, 2003.

### **Public Comments:**

There were no public comments received during the formal comment period for this proposal; however, there were several comment letters received after the pre-application conference report was issued. While this is not typical staff felt it prudent to include these comments as follows:

#### William V. Cookson, Letter received February 11, 2003 (Exhibit 16):

Mr. Cookson states he has lived in the area for years and while he knew development of the subject parcel would occur someday he has not been looking forward to it. He has enjoyed the "peace and quiet of a dead end street without kids, dogs, bikes, and traffic" and he does not want to see the barricade go away. He would have hoped that NW 4<sup>th</sup> Avenue would be extended onto the site and end with a cul-de-sac. Mr. Cookson would also like to see fewer lots/houses and he has concerns with sight distance at the intersection of NW 4<sup>th</sup> Avenue and NW 99<sup>th</sup> Street.

#### Stewart & Marietta Stewart, Letter received February 24, 2003 (Exhibit 17):

Mr. & Mrs. Stewart were concerned that they did not receive notice of the pre-application conference (the Stewarts live further than 300' away from the development which is the required distance to receive notification). They are also opposed to the connection of NW 4<sup>th</sup> Avenue to NW 2<sup>nd</sup> Avenue due to traffic and they would like the site to access off of NW 2<sup>nd</sup> Avenue only. The Stewarts' also have concerns pertaining to lot sizes and feel the smaller lots will negatively impact existing home values. In addition, they are concerned with standing water.

#### Tom Luttrell, Letter received March 20, 2003 (Exhibit 18):

Mr. Luttrell is opposed to the connection of NW 4<sup>th</sup> Avenue through to NW 2<sup>nd</sup> Avenue. He is concerned with traffic and would prefer that both site access roads, one off of NW 4<sup>th</sup> Avenue and one off of NW 2<sup>nd</sup> Avenue, to end in cul-de-sacs.

Mr. Horton Hackler, Letter received March 31, 2003 (Exhibit 19):

Mr. Horton is not opposed to development on the subject site, but feels there are fire and safety problems with the plan as proposed. He believes the proposed street is too narrow and that there will be no sidewalks required which will cause a safety concern for pedestrians. Mr. Horton also alleges that the "Planning Department" did not want the road to go through and the department stated there were no plans for it to go through. Mr. Horton also provided three alternative designs for the development.

Response to public comments:

While staff can sympathize with neighbors of the development there are specific code requirements with which the applicant is required to comply. The purpose of this staff report is to present findings and recommended conditions to the Hearings Examiner to outline where the proposal is and is not in compliance with county code. Staff believes that with the recommended conditions of approval the proposal is in compliance with the county code and is compelled to recommend approval. The requirements, particularly those that pertain to circulation, are sometimes difficult for neighbors to understand. Yes, these requirements can increase traffic in certain localized areas; however, the purpose is to improve the overall traffic situation. In addition, the development is in compliance with the county code. Staff welcomes the opportunity to discuss the issues and concerns of neighbors and try to reach a consensus that is agreeable to all. However, as it pertains to county code requirements, there is little room for consensus. There is only the specific requirement to be in compliance with the code. Understandably, neighbors find this frustrating to their efforts, but not as frustrating if the code were to be applied inconsistently throughout the county. It is the consistent application of the county code that serves the neighbors of the proposed Westview Meadows as well as the broader public interest. (Also see Transportation Finding 2).

## **Project Overview**

The subject property is located at the northwest corner of NW 96<sup>th</sup> Street and NW 2<sup>nd</sup> Avenue and is currently vacant. The site is zoned R1-7.5 as well as all of the surrounding properties. The applicant is seeking approval of a Tier II Infill Subdivision for 10 lots and a Road Modification for intersection spacing.

### Comprehensive Plan, Zoning and Current Land Use

<b>Compass</b>	<b>Comp Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
Site	UL	R1-7.5	Vacant parcel
Northeast	UL	R1-7.5	Subdivision known as Laurel Terrace
Northwest/West	UL	R1-7.5	Subdivision known as Wildwood 4
South	UL	R1-7.5	Subdivision known as Points West
West	UL	R1-7.5	Subdivision known as Laurel Terrace 2

## Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

### Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

### LAND USE:

#### Finding 1 – Infill Eligibility Standards

CCC 18.406.020(Q)(2)(a) lists the following eligibility criteria for infill parcels:

*“This chapter may be applied to parcels created by legal land division, consistent with RCW 58.17 prior to October 1, 2002 that meet all of the following criteria:”*

The subject lot was legally created prior to October 1, 2002.

*“Criterion #1. The parcel is within the R1-5, R1-6 or R1-7.5 zoning district”*

The subject site is zoned R1-7.5.

*“Criterion #2. The maximum gross size of the parcel is two and one-half (2.5) acres or smaller. In existing subdivisions recorded after December 31, 1961, if all contiguous lots are developed with existing dwellings, the gross size of the parent parcel must be at least twenty thousand (20,000) square feet”*

The subject site consists of 1.99-acres.

*“Criterion #3. The proposed development can and will be served by urban services at the time of final plat or site plan time of final plat or site plan approval”*

As a condition of approval, prior to final plat the development will be served by urban services.

*“Criterion #4. There is urban development abutting the subject site on at least fifty percent (50%) of its non-street perimeter. For the purposes of this section, "non-street perimeter" shall mean that portion of the perimeter of the parcel that is not abutting a public street. Where there is no abutting public street, the entire perimeter is used for measurement.*

Urban development abuts the subject site on the north south and west which exceeds the 50% requirement of its non-street perimeter.

With the above affirmative findings the proposed site meets the eligibility requirements to qualify for infill. No further condition of approval is warranted.

#### Finding 2 – Typing of Infill Proposal / Density and Average Minimum Lot Size

The applicant is proposing to subdivide approximately 1.99-acres into ten (10) residential infill lots within the R1-7.5 zoning district, therefore the proposed density for this development would be 5 units per acre ( $10 \text{ units} \div 1.99 \text{ acres} = 5.02 \text{ units per acre}$  rounded to 5) which, based on density, would qualify for a Tier I infill development. However, in addition to the density regulations, in order to qualify for a Tier I infill all lots must meet the average minimum lot size for the base zone (7,500 square feet for R1-7.5). The proposed lots do not meet this standard; however, Tier II infill allows the minimum lot size to be reduced to 6,000 square feet for plats in the R1-7.5 zoning district (See Table CCC 18.406.020(Q)(7)(a)). All of the proposed lots meet this 6,000 square feet minimum lot size standard; therefore, the proposal qualifies for Tier II infill. No condition of approval is warranted.

#### Finding 3 – Infill Public Meeting Requirements

Tier II infill standards require the applicant to hold a public meeting to offer owners of property adjacent to the affected property an additional opportunity to participate in the development process pursuant to CCC 18.406.020(Q)(9)(a). On August 7, 2003, a public meeting was held and the applicant has submitted a copy of the notice, the proposed development plan as presented at the meeting, the mailing list, meeting summary, and the sign-in sheet from the meeting (See Exhibit 9). Staff finds this submitted information complies with the public meeting requirements. No condition of approval is warranted.

#### Finding 4 – Infill Setbacks

CCC 18.406.020(Q)(9)(d) and CCC Table 18.307.060 require the following setbacks for single-family detached Tier II infill developments:

Front: Eighteen feet (18') for garage door or carport entrance or other similar vehicular shelter entry. Ten feet (10') for all other buildings

Rear: Ten (10') feet for lots abutting existing single-family development. Five (5') feet for all other lots

Side: Five (5') feet

Street

Side: Ten (10') feet

A note on the plat is warranted that identifies these setback requirements (See Plat Note D-1).

#### Finding 5 – Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (See Plat Note D-3).

#### Finding 6 – State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed land division will make appropriate provisions for the public health, safety, and general welfare of the county. Extension and connection of proposed residences to public sewer and water, as well as treatment of any future increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

### **TRANSPORTATION CONCURRENCY:**

County concurrency staff has reviewed the proposed Westview Meadow Subdivision consisting of a 10-lot subdivision. The proposed development is located west of NW 2<sup>nd</sup> Avenue, at NW 96<sup>th</sup> Street. The applicant's traffic study has estimated the weekday AM peak hour trip generation at 8 new trips, while the PM peak hour trip generation is estimated at 10 trips. The following paragraphs document two transportation issues for the proposed development.

#### Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 12.41.050(A) and is required to meet the standards established in CCC 12.41.080 for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

#### Finding 1 – Site Access

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network. The analysis for the access to NW 99<sup>th</sup> Street at NW 4<sup>th</sup> Avenue indicates a failing level of service. However, signal warrants are not met at the intersection. The intersection is a low accident location. Staff finds that 10 PM peak hour trips to the intersection are not significant enough to cause or aggravate a safety problem. No mitigation should be required from the applicant.

### Finding 2 – Operating LOS on Corridors

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model (See Condition A-1).

### Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 12.41 subject to the mitigation situation described above.

### Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 12.05.230. This ordinance states that “nothing in this chapter shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Chapter 12.41 CCC or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development: provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

### Finding 3 – Turn Lane Warrants

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant’s traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the un-signalized intersections analyzed in the applicant’s traffic study; therefore, mitigation is not required.

### Finding 4 – Historical Accident Situation

The applicant’s traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accidents per million entering vehicles. Therefore, mitigation by the applicant is not required.

Recommendation: Approval

## **TRANSPORTATION:**

### Finding 1 – Circulation Plan

In accordance with the applicability criteria for a circulation plan as described in Section CCC12.05A.110(1), cross-circulation shall be provided in a manner, where possible, that will allow subsequent developments to meet these standards, and to provide a mechanism for integrating various streets into an efficient and safe

transportation network. The existing roadway network in the vicinity of the proposed development does not meet the block length and block perimeter requirements of the circulation plan, as required by CCC12.05A.110(3)(A)(i).

The applicant has submitted a plan that addresses the required circulation in the vicinity of the site. The proposed extension of the existing NW 4<sup>th</sup> Avenue and proposed connection to the partially improved NW 96<sup>th</sup> Street will provide for north-south and east-west circulation in the area near the development. Staff finds that the existing road system and the proposed extensions will provide adequate cross-circulation in compliance with the circulation plan requirements, Section CCC 12.05A.110.

#### Finding 2

Some of the residents in the neighborhood have expressed their concerns regarding the requirement for the proposed crossroad through the proposed site by letters, phone calls, and in meetings with County staff. The main concern is adverse impacts on the safety for pedestrians and vehicular traffic due to the potential cut-through traffic from NW 99<sup>th</sup> Street to NE Hazel Dell Avenue or visa versa.

County Engineering Services staff has reviewed the proposed development plan in accordance with the Review Criteria for a circulation plan as described in Section CCC12.05A.110(3)(B), which indicates that the access street system shall (i) Provide convenient parcel access to and from adjacent arterials and/or collectors; (ii) Be designed to discourage external traffic from short-cutting; (iii) Be designed to discourage vehicular speeds in excess of legal speed limits; (iv) Be designed for convenient circulation of internal traffic without reliance on the arterial systems; (v) Support direct travel by pedestrians, bicyclists, and transit users, and; (vi) Discourage unnecessary streets and hard surfaces. Staff finds that the proposed plan meets all of these requirements. Conformance with item (ii) has been questioned by the concerned neighbors. Cutting through either from NE Hazel Dell Avenue to NW 99<sup>th</sup> Street or from NW 99<sup>th</sup> Street to NE Hazel Dell Avenue will require driving through several right and/or left turns, narrower street sections, winding streets, and stop signs. This appears to be less attractive than using a straight route to the intersection of NW 99<sup>th</sup> Street / NE Hazel Dell Avenue with one left or right turn at the signal. Furthermore, staff has reviewed the safety issues raised by the neighbors, but no unusual safety concerns related to this particular development and the required crossroad were identified.

#### Finding 2 – Roads (NW 2<sup>nd</sup> Avenue)

NW 2<sup>nd</sup> Avenue, abutting the proposed development on the east, is partially improved. This roadway is fully improved to the north and to the south of the proposed development. The minimum partial-width improvements along the frontage of this roadway in accordance with CCC12.05A, Standard Drawing #13, shall be:

- A minimum half-width right-of-way of 27 feet
- A minimum half-width roadway of 18 feet
- Curb/gutter and minimum sidewalk of 5 feet

### Finding 3 – Roads (NW 4<sup>th</sup> Avenue)

NW 4<sup>th</sup> Avenue, stubbed to the northern property line, was constructed based on the previous road standard with a 40-foot wide pavement, curb, and gutter within an existing 60-foot right-of-way. The development proposes to construct the extension of this roadway in accordance with the 'Local Residential' road standards. The minimum improvements for this roadway in accordance with CCC12.05A, Standard Drawing #14, shall be:

- A minimum right-of-way of 46 feet
- A minimum roadway of 28 feet
- Curb/gutter and minimum sidewalk width of 5 feet on both sides.

The proposed improvements shall be transitioned to match the existing improvements with a taper rate approved by the County (See Condition A-2).

### Finding 4 – Roads (NW 96<sup>th</sup> Street)

NW 96<sup>th</sup> Street, with the existing partial width right-of-way and curb return will connect NW 2<sup>nd</sup> Avenue with NW 4<sup>th</sup> Avenue in accordance with 'Local Residential' road standards. The proposed improvements along this roadway in accordance with CCC12.05A, Standard Drawing #14, include:

- A partial width right-of-way dedication for a total right-of-width of 46 feet
- A minimum roadway width of 28 feet
- Curb/gutter and minimum sidewalk of 5 feet on both sides

### Finding 5 – Intersection Design

The proposed intersection of NW 96<sup>th</sup> Street / NW 2<sup>nd</sup> Avenue does not meet the required intersection separation from the existing intersections to the north and the south. The intersections shall be designed and constructed in accordance with provisions of Section CCC12.05A.240 and the requirements set forth in CCC Table 12.05A.120-3. The applicant has requested a modification to the intersection spacing (See Transportation Finding 7).

### Finding 6 – Pedestrian Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with Section CCC 12.05A.400. The development plans show sidewalks along the proposed roads in compliance with the provisions of CCC 12.05A.

### Finding 7 – Road Modification

#### Approval Criteria

If a development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC12.05A.660. The request shall meet one (or more) of the following four specific criteria:

- (i) *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is*

*available.*

- (ii) *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- (iii) *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- (iv) *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

#### Modification Request

A road modification application has been submitted to request modification to the standards for the intersection spacing between NW 95<sup>th</sup> Circle and NW 96<sup>th</sup> Street. The narrative submitted with the road modification application indicates that the request should be approved since it meets the criterion described in section CCC 12.5A.660(1)(a)(i).

#### Applicant's Comments

As indicated in the narrative submitted with the road modification application, the applicant believes that the project qualifies for approval of requested road modification because the existing right-of-way imposes an unusual hardship on the applicant considering the following circumstances:

- The proponent is utilizing existing right-of-way previously approved by the County as part of the Points West Phase I subdivision. It was intended that NW 96<sup>th</sup> Street be constructed in this location.
- Construction of NW 96<sup>th</sup> Street advances the goals of the Comprehensive Plan. It provides a connection from NW 2<sup>nd</sup> Avenue to the existing dead end, (without cul-de-sac) NW 4<sup>th</sup> Avenue, thereby providing east-west circulation in the area.
- To require a full street dedication rather than utilize the existing half-street right-of-way would most likely result in the loss of a building lot, unless the existing right-of-way were somehow dedicated to the proponent. However, staff understands that if the existing right-of-way were to be vacated, it would revert to Points West, not Westview Meadows.
- If the NW 96<sup>th</sup> Street right-of-way were to be shifted to the north to gain intersection separation from NW 95<sup>th</sup> Circle, a similar situation could arise with NW 97<sup>th</sup> Circle. It is unlikely that NW 96<sup>th</sup> Street can be located on this parcel, such that it meets the 150' intersection separation requirements from both NW 95<sup>th</sup> Circle and NW 97<sup>th</sup> Circle, yet still provide a developable layout for the parcel.
- It should also be noted that, due to the alignment of NW 2<sup>nd</sup> Avenue, both NW 95<sup>th</sup> Circle and NW 96<sup>th</sup> Street are located on the inside of a curve, giving each a clear view of the other.

### Staff's Evaluation

- NW 2<sup>nd</sup> Avenue is a "Neighborhood Circulator" roadway. In compliance with CCC Table 12.05A.120-3, minimum full access intersection spacing along this road shall not be less than 150 feet. In compliance with the requirements of the circulation plan, CCC12.05A.110, this project is required to extend NW 4<sup>th</sup> Avenue to the north through the site and connect to NW 2<sup>nd</sup> Avenue. The existing NW 96<sup>th</sup> Street right-of-way abutting the development on the south is being utilized to make this connection possible. The created intersection will be approximately 120 feet to the north of the existing NW 96<sup>th</sup> Street.
- Moving the proposed intersection to the north will not resolve the spacing issue since the separation between this intersection and the existing intersection of NW 2<sup>nd</sup> Avenue / NW 97<sup>th</sup> Circle to north will be less than the required spacing.

### Staff's Recommendation

Based on the findings and provisions of the road modification approval criteria, staff concludes that the limited width of the property along NW 2<sup>nd</sup> Avenue imposes an unusual hardship for meeting the intersection spacing requirements in accordance with the requirements of CCC Table 12.05A.120-3. Therefore, staff recommends APPROVAL of the modification request since the request meets the criterion as described in section CCC 12.05A.660(1)(a)(i).

## **STORMWATER:**

### Finding 1 – Approval Criteria

The Stormwater and Erosion Control Ordinance CCC 13.29, applies to development activities that result in 5,000 square feet or more of new impervious surface created with an infill project; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 13.29.210.

The project will create more than 5000 square feet of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in section 13.29.210. Therefore, this development shall comply with the CCC 13.29, Stormwater and Erosion Control Ordinance.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in 13.29.200. This project is subject to the erosion control ordinance.

### Finding 2 – Stormwater Proposal

As indicated in the preliminary stormwater report and shown on the plans, the applicant proposes to convey runoff from this development to the stormwater facility that will be constructed with the development. The proposed onsite stormwater facilities are comprised of a bio-filtration swale and a detention pond. The onsite facilities will be dedicated to the county for maintenance.

The preliminary stormwater report indicates that the drainage system is designed to convey the runoff from the site through the catch basins and piping system to the water quality swale and the detention pond; then convey the excess runoff to an

existing stormwater conveyance system, constructed adjacent to the north property line in the 'Wildwood 4' subdivision, draining to the west.

The report indicates that the proposed water quality facilities will treat 70% of the 2-year, 24-hour storm runoff. To achieve quantity control, the detention system will be sized to detain and release runoff at the rates equal to half of the pre-developed 2-year storm peak runoff rate; and not exceeding 10-year and the 100-year pre-developed peak runoff rates.

### Site Conditions and Stormwater Issues

#### Finding 3

The site (with slopes of 0% to 5%) is an open field covered with grass and shrubs. The preliminary stormwater report submitted by the applicant indicates that the total area of new impervious surface consisting of roofs, driveways, and streets will be approximately 1.1 acres.

USDA, SCS mapping shows the site to be underlain by Hillsboro Silt Loam soils (HoC and HoB) classified by AASHTO as A-4 soils. The Stormwater and Erosion Control Ordinance, CCC 13.29, does not list A-4 soils as suitable for infiltration. Therefore, infiltration is not proposed and quantity control is to be achieved by detention.

#### Finding 4

The project proposes to discharge the excess runoff into an existing conveyance system to the north of the site. An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC13.29.305(B) shall be performed to ensure that the additional runoff from this development does not adversely impact the downstream. Furthermore, the existing conveyance system shall be analyzed to ensure that the system has the capacity for receiving additional storm runoff from this development (See condition A-3).

#### Finding 5

The proposed site is sloped from northeast to southwest. Unless the drainage patterns within the site are changed to contain the runoff within the site or disposed in an approved stormwater system, adjacent properties can potentially be adversely impacted. In accordance with the provisions of Section CCC 13.29.310(A)(7), no development within an urban area shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (See Condition A-4).

#### Finding 6

The proposed utility easement to the south of proposed Lot 1 shall be extended to the western boundary of the stormwater facility to provide access for maintenance. This easement shall be cleared of landscaping or any other obstruction that would prevent maintenance vehicle access (See Condition A-5).

### Conclusions

Based upon the findings, development site characteristics, the proposed transportation plan, the proposed stormwater plan, and the requirements of the County's transportation standards and stormwater ordinance, staff concludes that the proposed preliminary development plan is feasible subject to conditions A-2 through A-5. Therefore, the requirements of the preliminary plan review criteria are satisfied.

Recommendation: Approval

### **FIRE PROTECTION:**

#### Finding 1

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Condition B-1).

#### Finding 2

Fire flow in the amount of 1,000 gallons per minute supplied for 2 hours duration is required for this application. Data from the water purveyor indicates that the required fire flow is available in the vicinity. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (See Condition A-6).

#### Finding 3

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. One additional hydrant will be required for this application (See Condition A-7).

#### Finding 4

Unless waived by the fire district chief, fire hydrants shall be provided with the appropriate 'storz' adapters for the pumper connection (See Condition A-8).

#### Finding 5

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, the applicant shall contact Fire District 6 at 360-576-1195 to arrange for location approval (See Condition A-9).

#### Finding 6

The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (See Condition A-10).

#### Finding 7

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical

clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (See Condition A-11).

## **WATER & SEWER SERVICE:**

### Finding 1

The site will be served by the Clark Public Utilities water district and the Hazel Dell sewer district. Letters from the above districts confirm that services are available to the site.

### Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the letter will specify the timing of when the letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable) (See condition E-4).

## **IMPACT FEES:**

### Finding 1

Park (PIF), Traffic (TIF), and School (SIF) Impact Fees shall apply to all lots within the development. The site is within Park Facility Plan District No. 9 which has a total PIF of \$2,016.00 per lot, the Hazel Dell District which has a TIF of \$1,277.12 per lot, and the Vancouver School District which has a SIF of \$1,725.00 per lot (See Condition B-2).

If a building permit application is received more than three years following the preliminary plat approval, the Impact Fees will be recalculated according to the then current ordinance. This should be noted on the face of the final plat (See Condition D-4).

## **SEPA DETERMINATION**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);

- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

### **Determination:**

**Determination of Non-Significance (DNS).** Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

### **Date of Publication & Comment Period**

Publication date of this DNS is October 29, 2003, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on November 12, 2003.

<p align="center"><b><u>Public Comment Deadline:</u></b> <b>November 12, 2003</b></p>
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### **SEPA Appeal Process:**

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$175**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for

review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Mitch Kneipp, Planner, (360) 397-2375, ext. 4178  
Susan Ellinger, Team Leader, (360) 397-2375, ext. 4272

**Responsible Official:** Michael V. Butts  
Department of Community Development  
1408 Franklin Street

P.O. Box 9810  
Vancouver, WA 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011  
Web Page at: <http://www.co.clark.wa.us>

## RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 15), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

## Conditions of Approval

**A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding, such conditions shall be met prior to issuance of Building Permits**

**A-1** The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works (See Transportation Concurrency Finding 2).

- A-2** The proposed improvements shall be transitioned to match the existing improvements along NW 4<sup>th</sup> Avenue with a taper rate approved by the County (See Transportation Finding 3).
- A-3** An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC13.29.305(B) and an analysis for capacity of the downstream system shall be included in the technical information report (TIR) (See Stormwater Finding 4).
- A-4** The final stormwater plan shall provide measures to prevent adverse impacts to the adjacent properties (See Stormwater Finding 5).
- A-5** A maintenance access easement with a minimum width of 15 feet extended to the access gate to the stormwater facility shall be provided. This easement shall be cleared of landscaping or any other obstruction that would prevent access to the maintenance vehicles (See Stormwater Finding 6).
- A-6** The applicant shall provide water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (See Fire Protection Finding 2).
- A-7** The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (See Fire Protection Finding 3).
- A-8** Unless waived by the fire district chief, the applicants shall provide fire hydrants with the appropriate 'storz' adapters for the pumper connection (See Protection Finding 4).
- A-9** The applicant shall contact fire district 6 at (360) 576-1195 to arrange for fire hydrant location approval (See Fire Protection Finding 5).
- A-10** The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (See Fire Protection Finding 6).
- A-11** The applicant shall provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (See Fire Protection Finding 7).

<b>B. Conditions that must be met prior to issuance of Building Permits</b>
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- B-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Fire Protection Finding 1).

**B-2** Impact fees shall be paid prior to issuance of a building permit for each lot as follows:

- Traffic Impact Fees: \$1,277.12 (Hazel Dell TIF District)
- Park Impact Fees: \$2,016.00 (\$1,576.00 – Acquisition; \$440.00 – Development for Park District 9)
- School Impact Fees: \$1,725.00 (Vancouver School Dist)

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate.

### **C. Conditions that must be met prior to issuance of Occupancy Permits**

**C-1** The applicant shall effect and pay for all improvements required by Clark Public Utilities and connect each new lot to public water (See Water & Sewer Service Finding 1).

**C-2** The applicant shall effect and pay for all improvements required by Hazel Dell Sewer District and connect each new lot to public sewer (See Water & Sewer Service Finding 1).

### **D. Notes Required on Final Plat**

The following notes shall be placed on the final plat:

**D-1 Setbacks:**

The following setbacks apply to the proposed plat:

Front: Eighteen feet (18') for garage door or carport entrance or other similar vehicular shelter entry. Ten feet (10') for all other buildings

Rear: Ten (10') feet for lots abutting existing single-family development. Five (5') feet for all other lots

Side: Five (5') feet

Street

Side: Ten (10') feet

(See CCC 18.406.020(Q)(9)(d), CCC Table 18.307.060 and Land Use Finding 1)

**D-2 Archaeological (all plats):**

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**D-3 Mobile Homes:**

"Placement of Mobile Homes is prohibited." See Land Use Finding 2.

**D-4 Impact Fees:**

"In accordance with CCC 18.65 the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$1,725.00 (Vancouver School District), \$2,016.00 (\$1,576.00 – Acquisition; \$440.00 – Development for Park District 9), and \$1,277.12 (Hazel Dell TIF District) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

**D-5 Sidewalks:**

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all lots as noted."

**D-6 Utilities:**

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

**D-7 Critical Aquifer Recharge Areas:**

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

**D-8 Erosion Control:**

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

**D-9 Driveways:**

"All residential driveway approaches entering public roads are required to comply with CCC 12.05A."

<b>E. Standard Conditions</b>
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This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

**E-1 Land Division:**

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

**E-2 Final Construction Plan Review:**

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 13.29.

**E-3 Final Construction Plan Review:**

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 12.05A.

**E-4 Water Wells and Septic Systems:**

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the letter will specify the timing of when the letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).

**E-5 Pre-Construction Conference:**

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

**E-6 Erosion Control:**

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 13.29.

**E-7 Erosion Control:**

For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

**E-8 Erosion Control:**

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**E-9 Erosion Control:**

Erosion control facilities shall **not** be removed without County approval.

**E-10 Excavation and Grading:**

Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

**E-11 Excavation and Grading:**

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

**E-12 Transportation:**

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 12.05A.

### **E-13 Stormwater:**

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 13.29.

**Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee.**

## **HEARING EXAMINER DECISION AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection 18.600.100 (D)(2).
5. A check in the amount of **\$263** (made payable to the Clark County Board of County Commissioners).

**Attachments:**

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>